



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

Agency: Office of the Insurance Commissioner

Subject of possible rule making: Carrier Allocation Account Requirements

Insurance Commissioner Matter No. R 2012-28

Statutes authorizing the agency to adopt rules on this subject: RCW 48.02.060; 48.43.715; RCW 48.44.050; 48.46.200

Reasons why rules on this subject may be needed and what they might accomplish:

Section 1303 of the Affordable Care Act (Pub. L. 111-148, 2010, as amended) requires carriers to establish allocation accounts that segregate subsidy funding for a plan's abortion benefit from other premium funds received from Exchange enrollees. The section also requires inclusion of notice of the fund segregation in the Summary of Benefits and Coverage Explanation. Specifically, 1303(b)(E)(i) places the obligation to ensure compliance with the segregation requirements on state insurance commissioners. Because termination of pregnancy is an essential health benefit in Washington's benchmark plan, carriers participating in the Exchange are required to comply with this section.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

The U.S. Department of Health and Human Services (HHS) has rule making authority in this area as well, and issued 45 CFR 156.280 related to this topic, requiring carriers to submit their segregation plan to the state insurance commissioner, and outlining the segregation plan contents in general terms.

Process for developing new rule (check all that apply):

☐ Negotiated rule making

☐ Pilot rule making

☐ Agency study

☒ Other (describe) Submit written comments by January 4, 2013

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

To: Meg L. Jones
P.O. Box 40258, Olympia WA 98504-0258

Phone: 360-725-7170

Email: rulescoordinator@oic.wa.gov

Fax: 360-586-3109

DATE

November 7, 2012

NAME (TYPE OR PRINT)

Mike Kreidler

SIGNATURE

TITLE

Insurance Commissioner

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 07, 2012

TIME: 7:45 AM

WSR 12-22-069